UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,406	01/08/2001	Alexander M. Rosenberg	04860.P2654	6384

7590   02/26/2004

James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angelas, CA 90025-1026

EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	6

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. 09/757,406	Applicant(s) ROSENBERG, ALEXANDER M.
Office Action Summary	Examiner Le Nguyen	Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-72_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-72_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 April 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a)☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: inventor's signature is missing.

Drawings

2.   Figure 1 should be designated by a legend such as --Prior Art-- because only that which is

old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings

are required in reply to the Office action to avoid abandonment of the application. The objection

to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 2, 4, 5, 9-11, 14, 18-20, 22, 23, 25, 26, 28, 29, 33-35, 38, 42-44, 46, 47, 49, 50,

52, 53, 57-59, 62, 66-68, 70 and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by

De Vorchik et al. ("De Vorchik", US 5,611,066).

As per claim 1, De Vorchik teaches a method for operating a data processing system, the

method comprising inserting a writeable media into a drive system that is coupled to the data

processing system or DPS, instructing the data processing system to write or erase first data on

the writeable media and instructing the DPS to eject the writeable media from the drive system,

wherein upon the instructing the DPS to eject, the DPS writes or erases the first data on the

writeable media (fig. 1; 5/0052 through 5/0053).

As per claim 2, De Vorchik teaches a method for operating a data processing system, the

method wherein the writeable media is an optical disc (2/0018).

As per claim 4, De Vorchik teaches a method for operating a data processing system, the

method wherein the writeable media is blank when the inserting is performed (Abstract; *inherent*

that there be empty space in order for data to be encoded onto the CD).

As per claim 5, De Vorchik teaches a method for operating a data processing system, the

method comprising displaying automatically, in response to the inserting and on a display device

coupled to the DPS, a prompt to a user with at least two selectable options which allow a user to:

(1) eject the writeable media or (2) use the writeable media (4/0044).

As per claim 9, De Vorchik teaches a method for operating a data processing system, the

method wherein if the use selectable option is selected, creating automatically, in response to the

use selectable option being selected, a data file on a storage device which is coupled to the DPS

prior to writing data to the writeable media (Abstract; figs. 2-4; 4/0043).

As per claim 10, De Vorchik teaches a method for operating a data processing system, the method wherein the data file represents an entire capacity of the writeable media (Abstract; figs. 2-4; 4/0043; 5/0056).

As per claim 11, De Vorchik teaches a method for operating a data processing system, the method wherein the data file represents a data cache for the writeable media (Abstract; figs. 2-4; 4/0043; 5/0056).

Claim 14 is similar in scope to the combination of claims 4-5 and 9 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale.

Claims 19, 34, 43, 58 and 67 are individually similar in scope to claim 10 and are therefore rejected under similar rationale.

Claims 20, 35, 44, 59 and 68 are individually similar in scope to claim 11 and are therefore rejected under similar rationale.

As per claim 22, De Vorchik teaches a method for operating a data processing system, the method comprising displaying automatically, in response to the inserting and on a display device coupled to the DPS, a prompt to a user with at least two selectable options which allow a user to (1) eject the writeable media or (2) use the writeable media (4/0044).

As per claim 23, De Vorchik teaches a method for operating a data processing system wherein the creating follows after the user selects to use the blank writeable media (Abstract; figs. 2-4; 4/0043).

Claims 25 and 49 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 26 and 50 are individually similar in scope to claim 2 and are therefore rejected under similar rationale.

Claims 28 and 52 are individually similar in scope to claim 4 and are therefore rejected under similar rationale.

Claims 29 and 53 are individually similar in scope to claim 5 and are therefore rejected under similar rationale.

Claims 33 and 57 are individually similar in scope to claim 9 and are therefore rejected under similar rationale.

Claim 38 is similar in scope to the combination of claims 4-5 and 9 and is therefore rejected under similar rationale.

Claim 42 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale.

Claims 46 and 70 are individually similar in scope to claim 22 and are therefore rejected under similar rationale.

Claims 47 and 71 are individually similar in scope to claim 23 and are therefore rejected under similar rationale.

Claim 62 is similar in scope to the combination of claims 4-5 and 9 and is therefore rejected under similar rationale.

Claim 66 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 3, 21, 27, 45, 51 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable

over De Vorchik et al. ("De Vorchik", US 6,356,971 B1).

As per claim 3, although De Vorchik teaches a method for operating a data processing

system, the method wherein the optical disc is a CD-R disc or CD-RW disc (1/0006 through

1/0007; 2/0018), De Vorchi does not explicitly disclose the optical disc to be a DVD disc.

Official Notice is given that DVD discs are well known in the art of storage technology.

Therefore, it would have been obvious to an artisan at the time of the invention to include optical

discs such as DVD discs to De Vorchik's optical discs so that greater amounts of data can be

stored.

Claims 21, 27, 45, 51 and 69 are individually similar in scope to claim 3 and are therefore

rejected under similar rationale.

7.   Claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 are rejected under 35 U.S.C. 103(a)

as being unpatentable over De Vorchik et al. ("De Vorchik", US 6,356,971 B1) in view of Moore

et al. ("Moore", US 5,835,297).

As per claim 6, although De Vorchik teaches a method for operating a data processing

system, the method comprising displaying automatically, in response to the inserting and on a

display device coupled to the DPS, a context menu of the writeable media (figs. 4, *e.g. context*

menu 80; 4/0044), De Vorchik does not explicitly disclose displaying automatically, in response to the inserting and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS. Moore's background of the invention discloses a method for operating a data processing system, the method comprising displaying automatically, in response to the inserting and on a display device coupled to the DPS, an icon, displayed on a desktop interface of the data processing system (col. 1, lines 17-26). Therefore, it would have been obvious to an artisan at the time of the invention to include De Vorchik's method of displaying automatically, in response to the inserting and on a display device coupled to the DPS, a context menu of the writeable media to Moore's method of displaying automatically, in response to the inserting and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS in order to provide users with quicker access to often used functions or applications.

As per claim 7, the modified De Vorchik and Moore teaches a method for operating a data processing system, the method wherein the icon may be directly used through a GUI to write data on the writeable media (Moore: col. 1, lines 17-26; De Vorchik: figs. 2-4).

As per claim 12, De Vorchik teaches a method for operating a data processing system, the method wherein the icon is directly used by a method which includes one of (a) dragging and dropping of at least an icon onto the icon, or (b) copying and pasting the at least an icon onto the icon (Moore: col. 1, lines 17-26; De Vorchik: 3/0028).

As per claim 13, the modified De Vorchik teaches a method for operating a data processing system, the method wherein the desktop interface comprises a plurality of icons for a corresponding plurality of storage devices coupled to the DPS and a plurality of icons representing data files and subdirectories (Moore: col. 1, lines 17-26; De Vorchik: 3/0028; *a user*

can move the icons on the GUI by a drag-and-drop method wherein moving an icon from one

area to another has a corresponding effect on the resource represented by the icon, i.e. a

resource can be copied by moving its icon).

Claims 30 and 54 are individually similar in scope to claim 6 and are therefore rejected

under similar rationale.

Claims 31 and 55 are individually similar in scope to claim 7 and are therefore rejected

under similar rationale.

Claims 36 and 60 are individually similar in scope to claim 12 and are therefore rejected

under similar rationale.

Claims 37 and 61 are individually similar in scope to claim 13 and are therefore rejected

under similar rationale.

8.   Claims 8, 15-17, 32, 39, 41, 56, 63 and 65 are rejected under 35 U.S.C. 103(a) as being

unpatentable over De Vorchik et al. ("De Vorchik", US 6,356,971 B1) in view of Moore et al.

("Moore", US 5,835,297).

As per claim 8, although De Vorchik teaches a method for operating a data processing

system, the method comprising displaying automatically, in response to the inserting and on a

display device coupled to the DPS, a context menu of the writeable media (figs. 4, *e.g. context*

menu 80; 4/0044), De Vorchik does not explicitly disclose displaying automatically, in response

to the inserting and on a display device coupled to the DPS, *an icon*, displayed on a desktop

interface of the DPS. Moore's background of the invention discloses a method for operating a

data processing system, the method comprising displaying automatically, in response to the

inserting and on a display device coupled to the DPS, an icon, displayed on a desktop interface

of the data processing system (col. 1, lines 17-26). Therefore, it would have been obvious to an artisan at the time of the invention to include De Vorchik's method of displaying automatically, in response to the inserting and on a display device coupled to the DPS, a context menu of the writeable media to Moore's method of displaying automatically, in response to the inserting and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS in order to provide users with quicker access to often used applications.

Claims 15, 32, 39, 40, 56, 63 and 64 are individually similar in scope to claim 8 and are therefore rejected under similar rationale.

As per claim 16, the modified method of De Vorchik and Moore teaches a method for operating a data processing system wherein the icon is displayed on a desktop interface of the DPS and wherein the icon may be directly used to write data onto the blank writeable media (Moore: col. 1, lines 17-26; De Vorchik: figs. 2-4).

As per claim 17, the modified method of De Vorchik and Moore teaches a method for operating a data processing system wherein the icon is displayed before formatting of the blank writeable media (De Vorchik: Abstract; figs. 2-4; 4/0043).

Claims 40 and 64 are individually similar in scope to claim 16 and are therefore rejected under similar rationale.

Claims 41 and 65 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

9. Claims 24, 48 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vorchik et al. ("De Vorchik", US 6,356,971 B1).

As per claim 24, although De Vorchik teaches a method for operating a data processing

system, the method wherein the storage device is a disk drive for the DPS and contains an

operating system for the DPS (3/0029; 3/0033) De Vorchik does not explicitly disclose the drive

to be a boot drive. Official Notice is given that a method wherein the storage device is a boot

drive is well known in the art. Therefore, it would have been obvious to an artisan at the time of

the invention to include a method wherein the storage device is a boot drive to De Vorchik's

method wherein the storage device is a disk drive in order to provide users with a method of

selecting a drive to be the default drive that automatically loads the operating system when the

computer is turned on.

Claims 48 and 72 are individually similar in scope to claim 24 and are therefore rejected

under similar rationale.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Lee (US 6,091,675) teaches integrated CD-ROM driving apparatus for driving different

types of CD-ROMS in multimedia computer systems.

Edwards et al. (US 2003/0023287 A1) teach Methods for treating the cardia of the

stomach.

Kondo et al. (US 6,678,227 B1) teach simultaneous recording and reproduction apparatus

and simultaneous multi-channel reproduction apparatus.

Soderstrom et al. (US 2001/0047454 A1) teach I/O method an apparatus for optical storage media.

Fidelibus, Jr. et al. (US 5,931,906) teach system for creating a multimedia presentation by integrating local program materials with remotely accessible program materials.

Endoh et al. (US 5,819,103) teach information recording/reproducing apparatus and method.

Kumagai (US 6,449,226 B1) teaches recording and playback apparatus and method, terminal device, transmitting/receiving method, and storage medium.

Gile et al. (US 6,317,779 B1) teach audio/video from Internet direct to compact disc through Internet browser.

Keele et al. (US 5,611,066) teach a system for creating related sets via once caching common file with each unique control file associated within the set to create a unique record image.

Nagatomo et al. (US 2001/0054134 A1) teach data management system.

Bardon et al. (US 6,179,487 B1) teach data processing system and method for associating specific graphics with data processing applications.

Miller (US 6,532,198 B1) teaches a programmable self-operating compact disk duplication system.

Bellinger et al. (US 6,023,705) teach multiple CD index and loading system and method.

Jenkins et al. (US 5,619,731) teach an interactive music CD and data.

Watanabe (US 2001/0026287 A1) teaches an apparatus and method for managing contents in a computer.

Ballantyne (US 2003/0228141 A1) teaches locating information on an optical media disc to maximize the rate of transfer.

Honda (US 6,141,489) teaches data recording device, date reproducing device and data recording medium for managing encoded data over a plurality of recording media.

Inquires

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Lê whose telephone number is **(703) 305-7601**. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).
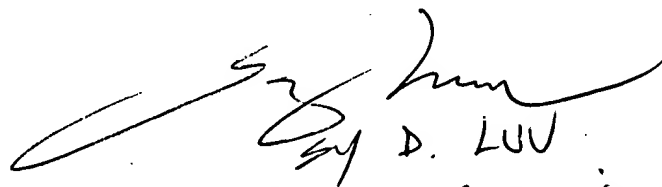
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
February 5, 2004

D. LUU
PRIMARY EXAMINER